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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/080,999 | 02/20/2002 | Richard Kennedy | 1662-54900 JMH (P01-3739) | 1325 |
| 22879 7590 03/26/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400 | | | EXAMINER JACKSON, BLANE J | |
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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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Commissioner for Patents

This is the Examiner's Answer for application # 10/080,999 corrected to include an entry for "The Real Party In Interest" heading and text missing from the original Examiner's Answer filed 25 August 2006.



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Technology Center 2600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/080,999
Filing Date: February 20, 2002
Appellant(s): KENNEDY, RICHARD

Mark E. Scott
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 30 March 2005 appealing from the Office action mailed 13 January 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

Originally filed claims: 1-41

Withdrawn claims 3, 4, 10-31, 37 and 39

Added claims: none

Presently appealed claims: 1, 2, 5-9, 32-36, 38, 40 and 41.

Claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

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(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|---------------------|---------|--------|
| US Patent 6,300,976 | Fukuoka | 0-2001 |
|---------------------|---------|--------|

| | | |
|---------------------|--------|--------|
| US Patent 6,738,643 | Harris | 5-2004 |
|---------------------|--------|--------|

(9) Grounds of Rejection

The following ground(s) of rejection of the appealed claims is essentially the Final Rejection filed 13 January 2005. Primary prior art Fukuoka, see figure 3, discloses the camera's images are coupled out for two purposes, the first wired connection to a cellular telephone and a second route directly wired or via a wireless communication

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method to a LAN/ computer image storage monitoring and control system. Both of these functions were identified in the rejection but further addressed in the following.

Claims 1, 2, 5-9, 32-36, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka (U.S. Patent 6,300,976) with a view to Harris (U.S. Patent 6,738,643).

As to claims 1 and 2, Fukuoka teaches a portable electronic device comprising:

A CPU (figures 3 and 6, column 2, lines 46-62, digital camera (30) with CPU (23), column 5, line 29 to column 6, line 54),

A transceiver coupled to said CPU, the transceiver capable of *wired* communications (figure 3, I/O card (24) is the transceiver for a wired connection between the camera and cellular telephone (32), column 3, lines 27-48),

A memory unit coupled to the CPU (figure 6, memory card (16), or memory in I/O card (15) coupled to the CPU (23) of the camera, column 2, lines 45-64, column 12, lines 17-30),

An image capture device coupled to the CPU, the image capture device acquires an image (figure 6, image circuits (6) coupled to CPU (23), column 4, lines 35-63),

Wherein the *transceiver transmits* the image to a remote storage device through an intermediate electronic device (**figure 3, column 3, lines 39-45, images from camera (30) transmitted through a cable interface to cellular telephone (32) – the intermediate electronic device- for wireless transmission to an Internet computer or remote storage device. Also, a second route, column 4, lines 15-34, camera**

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(30) is connected through a wired telephone network or other wireless communication to a remote LAN/ computer (33) for monitoring purposes),

Wherein the transceiver automatically begins transmitting images after the image is acquired by the image capture device (the I/O card transceiver manages the images in a monitoring mode, **via the second route**, column 4, lines 15-34).

Fukuoka teaches an I/O card to perform a wired connection to the intermediate electronic device (cellular telephone) with a wireless connection from the intermediate electronic device to the remote storage device but does not clearly teach, **despite the wireless communication suggested in the second route**, a wireless connection between the image capture device and intermediate electronic device (cellular telephone).

Harris teaches a personal digital assistant (PDA) with attached camera (450) comprising a Bluetooth module (205) to wirelessly link images to a nearby cellular telephone (240) and/ or PSTN telephone (230) (figures 2 and 4, column 2, lines 10-22 and the camera: column 3, lines 1-17).

It would have been obvious to one skilled in the art at the time of the invention to modify the easily convertible I/O card of Fukuoka with a Bluetooth module as taught by Harris to facilitate a convenient wireless transfer of data between the camera and intermediate electronic device (cellular telephone).

Claims 3 and 4 are withdrawn.

As to claims 5-7 and 40 with respect to claims 1 and 36, Fukuoka teaches an image device with an input/output interface to communicate with the external device to output status information, receive commands and to transfer images where status includes characteristics of the captured images, flash is ready, state of the battery and whether the memory is full (Abstract, column 9, line 40 to column 10 line 65).

Since Fukuoka also teaches a camera system to remotely transmit and receive images from a connected computer, **the second route**, Abstract, column 4, lines 3-19), it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fukuoka with a command to begin transmitting the images stored in the camera when the CPU determines the memory is full or has reached some capacity point in the normal procedure to remotely store and to maintain operation.

As to claim 8, with respect to claim 1, Fukuoka teaches the transmitter (transceiver) of the portable electronic device may receive images from the remote storage device (column 4, lines 3-6, digital camera can remotely transmit and receive images from a coupled LAN/ computer).

As to claim 9, Harris of Fukuoka modified teaches the portable electronic device of claim 8 wherein said transceiver is further capable of Bluetooth wireless communications (figure 2, PDA with attached camera comprising Bluetooth module (205)).

Claims 11-31 are withdrawn.

As to claim 32, Fukuoka teaches a method for remote data storage and retrieval for portable electronics comprising:

- (a) Acquiring an image with a portable electronic device (figures 1 and 6, digital camera (30), column 2, lines 46-67),
- (b) Transmitting said image to an intermediate electronic device using *wired* communications (**figure 3, column 3, lines 39-45, images from camera (30) transmitted through a cable interface to cellular telephone (32) – the intermediate electronic device- for wireless transmission to an Internet computer or remote storage device. Also, a second route, column 4, lines 15-34, camera (30) is connected through a wired telephone network or other wireless communication to a remote LAN/ computer (33) for monitoring purposes**),
- (c) Further transmitting said image to a cellular network using wireless communications wherein the cellular network is also connected to the Internet (cellular telephone (32) coupled to the Internet and an on line service, America On Line, column 3, lines 27-41),
- (d) Further transmitting said image to a remote storage device wherein said storage device is also connected to the Internet (AOL would inherently be a form of remote file storage device, column 3, lines 39-45).

Fukuoka teaches an I/O card to perform a wired connection to the intermediate electronic device (telephone) with a wireless connection from the intermediate electronic

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device to the remote storage device but does not clearly teach, **despite the suggestion of a wireless connection between the camera and remote LAN/computer discussed above in the second route**, a wireless connection between the image capture device and intermediate electronic device (cellular telephone).

Harris teaches a personal digital assistant (PDA) with attached camera (450) comprising a Bluetooth module (205) to wirelessly link images to a nearby cellular telephone (240) and/ or PSTN telephone (230) (figures 2 and 4, column 2, lines 10-22 and the camera: column 3, lines 1-17).

It would have been obvious to one skilled in the art at the time of the invention to modify the easily convertible I/O card of Fukuoka with a Bluetooth module as taught by Harris to facilitate a convenient wireless transfer of data between the camera and intermediate electronic device (cellular telephone).

As to claim 33, Fukuoka teaches the portable electronic device comprises a digital camera (figure 1, column 2, lines 46-67, digital camera (30)).

As to claim 34, Harris of Fukuoka modified teaches the method of claim 33 wherein the wireless communications of step (b) comprises a Bluetooth wireless connection (figure 2, Bluetooth module (205) of PDA with camera (200)).

As to claims 35 and 36 with respect to claim 34, Fukuoka teaches a camera with an I/O card or transceiver to provide connection to a modern cellular telephone (figure

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3, column 3, lines 27-45) but is silent as to the communications comprises a 3G connection.

However, since Fukuoka teaches a cellular telephone for connection with the Internet for the purpose to communicate images, column 3, lines 27-48, it would have been obvious to one of ordinary skill in the art at the time of the invention to realize the cellular telephone of Fukuoka as any generation type telephone that is capable of connection to the Internet.

Claims 37 and 39 are withdrawn.

As to claim 38 with respect to claim 36, Fukuoka teaches the transceiver automatically begins transmitting the image after the image is acquired by the image capture device (figure 5, a real time monitoring system with digital camera (30) to capture still or a series of still images with transfer of the images to a remote computer (33) station, column 4, lines 15-34).

Claim 41 is objected to.

(10) Response to Argument

As emphasized and utilized in the rejection, the primary prior art Fukuoka teaches a system comprising a camera to produce still or a series of still images that are transmitted to a remote file storage device through either of two different

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transmission routes, the first through a wired connection to a cellular telephone for wireless connection to a Website (server) on the Internet and the second route via a wired telephone network or other wireless communication to a local area network and/or (monitoring) computer located in a different building or location, figure 3, column 3, lines 26 to column 4, line 34. Since the dependent claims identify the intermediate electronic device as a cellular telephone and the second transmission route of Fukuoka does not clearly identify a wireless link between the camera and a intermediate device, the first transmission route of Fukuoka was relied on in the rejection of the independent claims with the secondary art Harris to teach a similar system to transfer image data but with the specific feature of the wireless transfer of image data between the camera/PDA and cellular telephone or "intermediate device".

The applicant primarily argues the Fukuoka and Harris cannot be properly combined since the secondary prior art Harris does not teach the transmission of image data, that the transferred data appears only to be dialing information. Harris teaches the PDA has the ability to detect an attached accessory device, including a camera, and communicate via a short range wireless port (Bluetooth) with a wireless Internet device, a cellular telephone, figure 4, column 2, lines 49-67. Harris further teaches an embodiment where the PDA and attached camera is used in association with sending and receiving e-mail, column 3, lines 1-17; therefore, it is very likely given these elements, the PDA/camera manages e-mail with attached digital image files for transmission to the Internet via a wireless connection with the intermediary cellular

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telephone. The combination of Fukuoka and Harris is proper in that both teach a method that includes the wireless transfer of image data via an intermediate device.

With respect to dependent claims 5-7 and 40-41, the applicant contends the modification of the Fukuoka camera to begin "transmitting said images when said CPU determines said memory to have reached a threshold" changes the principle of operation of Fukuoka. However, Fukuoka teaches, with respect to the second route of transmission of images, various parameters describing the state of the image capturing device are transmitted to the external device including characteristics of the captured images, whether the flash is ready, the state of the device battery *and whether the memory is full*, see Abstract. This teaching indicates the CPU has determined the memory has "reached a threshold" where the full memory is the reached threshold. The status information to the control system that the memory is full is an obvious trigger to the system for automatic transmission of the image data to make space available for future images. This obvious next step of the system to transmit the image data equates to "said transceiver automatically begins transmitting said images". Even though the threshold determination and automatic transmission claim elements are taught with respect to the second image transmission route of Fukuoka, it is an embodiment of Fukuoka taught in the context of the camera CPU to be aware of camera status, a full memory, and to automatically trigger data transmission.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

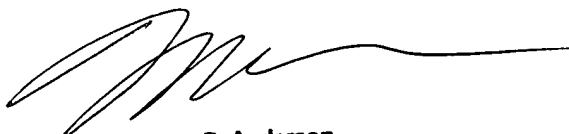
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